

EXHIBIT

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Robert Taylor

Chicago, IL

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1 Q. Sir, going back to Taylor Exhibit 13,
2 which I think you have right in front of you
3 there.
4 A. This is 12. This one is 13?
5 Q. Yes, sir.
6 A. Okay.
7 Q. Turn, if you would, to page 8159.
8 And if you go back to 8158 for just
9 a second, we're looking at product risks here,
10 and --
11 A. Yes.
12 Q. -- there are upside risks and downside
13 risks. One of the downside risks is, quote,
14 patents, paren, likely to be sued by competition,
15 question mark, closed paren.
16 Was Cryovac that competition that
17 you were referring -- or that was being referred
18 to here?
19 A. You're asking me is Cryovac the
20 competition I'm considering, or the patents?
21 Q. Yes. The -- whether the patents that
22 are being referred to here were Cryovac patents.

1 Cryovac, which has an estimated market share of
2 93 percent, isn't that true?
3 A. That's what the document says, yes.
4 Q. And Cryovac, you indicated, was the
5 industry standard in this document at page 8156,
6 did you not?
7 A. That is true.
8 Q. And Cryovac had Excel's business that
9 you wanted, didn't they?
10 A. Cryovac, as you've noted, had
11 90 percent, 96 percent or whatever percent of the
12 market. Excel was one of their customers. We
13 were a supplier for boneless. They had the
14 bone-in. Customer was urging us to develop an
15 alternative. The market was the focus of our
16 work, not our competitor.
17 Q. Sir, while you're looking at page 8159
18 of Taylor 13, would you turn, please, to Taylor 12
19 also, page 5702.
20 And under the downside risks in the
21 later draft of this request for appropriation --
22 A. Okay.

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1 A. The reference to patents has to do
2 with -- I believe what's trying to be expressed
3 here is the concern that we be careful of any
4 potential infringements of existing patents and
5 that Cryovac's patents would be of the greatest
6 concern because they had the most to lose with our
7 entry into the market.
8 Q. They were your target, weren't they?
9 A. I would --
10 MR. CASSLING: Object to the form.
11 THE WITNESS: The choice of the word
12 "target" to me is -- the market, we were targeting
13 a market.
14 BY MR. FARABOW:
15 Q. And they had 96 percent of it, didn't
16 they?
17 A. Cryovac had and has significant share,
18 upwards of ninetysome percent. I do not target
19 competitors. I target markets.
20 Q. But this document at page 8155, it's
21 indicated under the heading "competitors," the
22 major competitor in the bone-in shrink market is

1 Q. -- the line "patents likely to be sued
2 by competition" was left out. Do you know why?
3 A. No, I have no idea why it would be left
4 out.
5 Q. Did you discuss leaving that out with
6 Mr. Kitchel after you received his first draft?
7 A. No.
8 MR. FARABOW: Ask the reporter to mark
9 as Taylor 15 a document bearing production numbers
10 PPPI 2968 through 2977.
11 (Exhibit 15 marked.)
12 BY MR. FARABOW:
13 Q. Sir, would you take a look at this
14 document and tell me whether you have seen it
15 before.
16 A. There seems to be some duplication in
17 pages, but that's -- I think that's okay.
18 Okay.
19 Q. Have you seen this document before, sir?
20 A. I can't say that I have. I'm not real
21 sure. I don't -- I don't think so.
22 Q. Mr. Mueller, I think you indicated, was

34 (Pages 130 to 133)